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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,481	09/29/2003	Yuka Hasegawa	Q77735	7983

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EXAMINER
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ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,481

Applicant(s)

HASEGAWA, YUKA

Examiner

Meless N. Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/29/04, 5/26/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-19 are pending in this action.

#### ***Information Disclosure Statement***

The references listed in the Form PTO-1449 and submitted on 09/29/03, 04/29/04 and 05/26/05, have been considered by examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a Functional Descriptive Material of a computer program per se, which is a non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 11-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagata et al. (Yamagata) (US 2003/0174839 A1) in view of Takae et al. (Takae) (US 2002/0037714 A1).

**As per claim 1:** Yamagata discloses a mobile terminal apparatus (fig. 1, element 10), comprising:

a contactless IC (integrated circuit) device (see fig. 1, element 50) for use in communicating with the external equipment by radio waves (see fig. 1, element 100; page 7, paragraph 0098), and accumulating authentication information from a higher-level apparatus (see page 3, paragraphs 0034 and 0038) (see certificate authority). Examiner considers the certificate authority mentioned as the higher-level apparatus. Thus far, Yamagata further discloses wireless/radio communication between external equipment and a contactless IC (integrated circuit) device placed in a mobile terminal wherein a controller (fig. 1, element 11) controls the overall internal operation of the mobile device (as page 6, paragraph 0094). But, Yamagata does not explicitly teach about a control means for enabling or disabling specified function according to information received from the external equipment, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a technique of remotely controlling a portable terminal/telephone that comprises a control means coupled to an IC card wherein, in response to information received from an external apparatus (remote control center) (figs. 1, elements 3 and fig. 2) the portable telephone (fig. 3) changes its

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settings/functions (see page 2, paragraphs 0026- 0027) including sound mode changes and disabling all function if the portable telephone is lost (page 2, paragraph 0028).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Yamagata with that of Takae for the advantage of efficiently changing the setting in portable terminals (see page 1, paragraph 0008).

**As per claim 2:** Yamagata teaches a mobile terminal apparatus wherein:

the external equipment is a reader/writer capable of reading and writing information from and to the contactless IC device (see fig. 1, block 100; page 1, paragraph 0011; page 7, paragraphs 0098-0099).

**As per claim 3:** Yamagata teaches a mobile terminal apparatus, wherein:

the contactless IC device performs communication with the external equipment (see fig. 1, elements 50, 14 and 100; page 7, paragraphs 0098-0099). But, Yamagata does not explicitly teach about a mobile terminal apparatus having a plurality of modes in each of which the respective enabled/disabled state of the specified functions is set in advance and a control means that enables or disables the specified functions according to the mode specified by the external equipment and wherein the external equipment and the IC device communicates about a mode, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a technique of remotely controlling a mobile terminal apparatus for changing its (pre-stored) setting (see page 1, paragraphs 0009-0010) wherein the mobile terminal has a plurality of modes in each of which the

respective enabled/disabled (ON/OFF) state of the specified functions is set in advance (see page 2, paragraph 0028) and a control means that enables or disables the specified functions according to the mode specified by the external equipment and wherein the external equipment and the IC device communicates about a mod (see page 3, paragraphs 0045-0046; page 4, paragraphs 0055-0057). The prior art shows that the communication between the external apparatus and the IC device is about changing settings (changing modes), for example ring sound OFF mode and ring sound ON mode and changing, deleting and updating other functions (see page 3, paragraph 0046; page 4, paragraph 0058). The motivation is same as provided in the rejection of claim 1.

**As per claim 5:** Yamagata teaches about a mobile terminal apparatus wherein:

the high-level apparatus is a ticket issue server for issuing ticket information for use in authenticating an admission into an institution (see page 1, paragraph 0009).

**As per claim 6:** Yamagata teaches about a mobile terminal apparatus wherein:

the high-level apparatus is a certificate authority for issuing an electronic certificate (see page 3, paragraphs 0034 and 0038). Examiner considers the certificate authority as the higher-level apparatus.

**As per claim 7:** Yamagata discloses a system (fig. 1) including a mobile terminal (fig. 1, element 10) comprising:

a higher-level apparatus for issuing authentication information (see page 3, paragraphs 0038 and 0039). Examiner considers the certificate authority as the higher-level apparatus.

a mobile terminal apparatus comprising a contactless IC (integrated circuit) device (see fig. 1, element 50) for accumulating authentication information from a higher-level apparatus (see page 3, paragraphs 0034 and 0038)

external equipment for communicating with the contactless IC device by radio waves (see fig. 1, block 100; page 7, paragraphs 0098-0099). But, Yamagata does not explicitly teach about settings changing system comprising control means for enabling or disabling specified functions according to information received from the external equipment through the contactless IC device and transmitting the information to the contactless IC device after checking the authentication information received from the contactless IC device, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a mobile terminal settings changing system (see page 2, paragraph 0027) comprising control means (see fig. 3, elements 32 and 52) for enabling or disabling specified functions (page 2, paragraph 0028) according to information received from the external equipment through the contactless IC device (see page 2, paragraphs 0022, 0025, 0029) and transmitting the information to the contactless IC device after checking the authentication information received from the contactless IC device (see page 2, paragraphs 0026 and 0029). Motivation is same as provided in the rejection of claim 1 above.

**As per claim 8:** Yamagata teaches about mobile terminal system, wherein:

the external equipment is a reader/writer capable of reading and writing information from and to the contactless IC device (see fig. 1, block 100; page 1,

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paragraph 0011; page 7, paragraphs 0098-0099). When the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 9:** Yamagata teaches a mobile terminal system, wherein:

the external equipment performs communications with the contactless IC device (see fig. 1, elements 50, 14 and 100; page 7, paragraphs 0098-0099). But, Yamagata does not explicitly teach about a mobile terminal apparatus having a plurality of modes in each of which the respective enabled/disabled state of the specified functions is set in advance and a control means that enables or disables the specified functions according to the mode specified by the external equipment and wherein the external equipment communicates with the IC device about a mode after checking the authentication information, as claimed by applicant. However, in a related field of endeavor, Takae teaches about mobile terminal's settings changing system (page 2, paragraph 0022) wherein a mobile terminal has plurality of modes (see page 2, paragraph 0028) each of which can be set to an enable/disable state according to specified information (received setting mail) received from the external apparatus (see page 3, paragraphs 0045-0046; page 4, paragraphs 0055-0058) and wherein the external equipment communicates with the IC device about a mode (see 2, paragraphs 0027-0029) after checking the authentication information (see page 2, paragraph 0029). The setting involves changing pre-stored functions/modes or applications (see page 1, paragraphs 0009-0010; page 2, paragraph 0028). Motivation is same as provided in the rejection of claim 1.

**As per claim 11:** Yamagata teaches about a mobile terminal system wherein:



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the high-level apparatus is a ticket issue server for issuing ticket information for use in authenticating an admission into an institution (see page 1, paragraph 0009). When the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 12:** Yamagata teaches about a mobile terminal system wherein:

the high-level apparatus is a certificate authority for issuing an electronic certificate (see page 3, paragraphs 0034 and 0038). Examiner considers the certificate authority as the higher-level apparatus. Furthermore, when the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 13:** Yamagata discloses a method for a mobile terminal, comprising the steps of:

receiving information from external equipment through a contactless IC (integrated circuit) device stored in a mobile terminal apparatus (see fig. 1, element 50; page 6, paragraph 0096) for use in communicating with the external equipment by radio waves (see fig. 1, element 14 and block 100; page 7, paragraph 0098), and accumulating authenticating information from a higher-level apparatus (see page 3, paragraphs 0034 and 0038) (see certificate authority). Examiner considers the certificate authority mentioned as the higher-level apparatus. But, Yamagata does not explicitly teach about a mobile terminal settings changing method and enabling or disabling specified functions of the mobile terminal apparatus according to the received information, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a technique of changing a mobile terminal's settings (adding/deleting and

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changing function) (page 1, paragraph 0009) and enabling or disabling (ring OFF mode and ring ON mode) functions (see page 2, paragraphs 0028-0029) based on received information and authentication (see page 3, paragraphs 0045-0046). The motivation is same as provided in the rejection of claim 1.

**As per claim 14:** Yamagata teaches about a mobile terminal method wherein:

the external equipment is a reader/writer capable of reading and writing information from and to the contactless IC device (see fig. 1, block 100; page 1, paragraph 0011; page 7, paragraphs 0098-0099). When the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 15:** Yamagata teaches a method about a mobile terminal, wherein:

the contactless IC device performs communication with the external equipment (see fig. 1, elements 50, 14 and 100; page 7, paragraphs 0098-0099). But, Yamagata does not explicitly teach about a mobile terminal apparatus having a plurality of modes in each of which the respective enabled/disabled state of the specified functions is set in advance and the specified function are enables or disables according to the mode specified by the external equipment, and wherein the external equipment and the IC device communicates about a mode, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a technique of remotely controlling a mobile terminal apparatus for changing its setting by communicating with external apparatus (see page 1, paragraphs 0009-0010) wherein the mobile terminal has a plurality of modes in each of which the respective enabled/disabled (ON/OFF) state of the specified functions is set in advance (see page 2, paragraph 0028) and a control means

that enables or disables the specified functions according to the mode specified by the external equipment and wherein the external equipment and the IC device communicates about a mod (see page 3, paragraphs 0045-0046; page 0055-0057). The prior art shows that the communication between the external apparatus and the IC device is about changing settings (changing modes), for example ring sound off mode and ring sound ON mode and changing, deleting and updating other functions (see page 3, paragraph 0046; page 4, paragraph 0058). The motivation is same as provided in the rejection of claim 1.

**As per claim 17:** Yamagata teaches about a mobile terminal method wherein:

the high-level apparatus is a ticket issue server for issuing ticket information for use in authenticating an admission into an institution (see page 1, paragraph 0009). When the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 18:** Yamagata teaches about a mobile terminal method, wherein:

the high-level apparatus is a certificate authority for issuing an electronic certificate (see page 3, paragraphs 0034 and 0038). Examiner considers the certificate authority mentioned as the higher-level apparatus. Furthermore, when the references are combined, as shown above, Yamagata's mobile terminal will be able to change settings.

**As per claim 19:** Yamagata discloses a program used to direct a computer (page 11, paragraph 0163) to perform the processes of:

receiving information from external equipment through a contactless IC (integrated circuit) device store in a mobile terminal apparatus (see fig. 1, element 50;

page 6, paragraph 0096) for use in communicating with the external equipment by radio waves (see fig. 1, element 14 and block 100; page 7, paragraph 0098), and accumulating authenticating information from a higher-level apparatus (see page 3, paragraphs 0034 and 0038) (see certificate authority). Examiner considers the certificate authority mentioned as the higher-level apparatus. But, Yamagata does not explicitly teach about a mobile terminal settings changing method and enabling or disabling specified functions of the mobile terminal apparatus according to the received information, as claimed by applicant. However, in a related field of endeavor, Takae teaches about a technique of changing a mobile terminal's settings (adding/deleting and changing function) and enabling or disabling (ring OFF mode and ring ON mode) functions (see page 2, paragraphs 0028-0029) based on received information (setting contents) and authentication (see page 3, paragraphs 0045-0046). The features of claim 19 are similar to the features of claim 13, except claim 19 is directed to a computer program to carry out the steps of claim 13. The motivation is same as provided in the rejection of claim 1.

Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagata in view of Takae as applied to claims 1, 7 and 13 above, and further in view of Slettengren et al. (Slettengren) (US 2002/0028674 A1).

**As per claim 4:** but, Yamagata in view of Takae does not explicitly teach about a mobile terminal apparatus, wherein the specified functions include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about

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settings changing technique (for a politeness zone managing), i.e. for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3, paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references (Yamagata in view of Takae) with the teaching of Slettengren for the advantage of instituting politeness zones relating to the use of communications devices (see paragraph 0003).

**As per claim 10:** Yamagata in view of Takae teaches about a mobile terminal settings changing system, as discussed in the rejection of claim 7 above. But, the references fail to explicitly teach the specified functions that include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about a politeness zone technique for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of

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operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3, paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Features of claim 10 are similar to the features of claim 4. Hence, motivation is same as provided in the rejection of claim 4.

**As per claim 16:** Yamagata in view of Takae teaches about a mobile terminal settings changing method, as discussed in the rejection of claim 13 above. But, the references fail to explicitly teach the specified functions that include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about a politeness zone technique for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3,

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paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Features of claim 16 are similar to the features of claim 4. Hence, motivation is same as provided in the rejection of claim 4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in black ink, appearing to read "Zewdu, Meless".

Examiner

08 August 2005.